



February 16, 2023

VIA ECF

Judge Alvin K. Hellerstein
Room 1015
United States Courthouse
500 Pearl Street
New York, NY 10007

SO ORDERED.

/s/ Alvin Hellerstein
February 23, 2023

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Re: *VICOF II Trust, et al. v. John Hancock Life Insurance Company of New York, et al.*, 19-cv-11093-AKH: Letter Regarding Sealing Plaintiffs' Submissions in Opposition to Defendants' Motions *in Limine*

Dear Judge Hellerstein:

Plaintiffs in the above-captioned case respectfully request leave to file under seal or in redacted form certain submissions by Plaintiffs in Opposition to the Motions *in Limine* filed by Defendants John Hancock Life Insurance Company of New York and John Hancock Life Insurance Company (U.S.A.) (collectively, "John Hancock" or "Defendants") in this case, including Plaintiffs' Memoranda of Law in Opposition to Defendants' Motions *in Limine* ("Plaintiffs' Oppositions") and the Declaration of Khai LeQuang in Opposition to Defendants' Motions *in Limine* ("LeQuang Declaration"). Specifically, Plaintiffs request leave to file under seal or in redacted form the following: (1) certain exhibits to the LeQuang Declaration, which are listed on Exhibit 1 hereto; (2) references in Plaintiffs' Oppositions to the documents listed on Exhibit 1 hereto; (3) references in Plaintiffs' Oppositions to documents that were previously filed under seal in the above-captioned case, which are cited in Plaintiffs' Oppositions by docket number and are listed on Exhibit 2 hereto; and (4) Plaintiffs' Memorandum of Law in Opposition to Defendants' Motion *in Limine* No. 7, in its entirety.¹ All of the documents listed on Exhibits 1 and 2 have been designated as "Confidential" by John Hancock under the Stipulated Confidentiality Agreement and Protective Order ("Protective Order") entered in this case (ECF No. 34).

Rule 4(B) of the Court's Individual Rules ("Rules") and the Protective Order govern the filing of documents under seal. As required by the Rules and the Protective Order, Plaintiffs met and conferred with opposing counsel to narrow the scope of this request. Pursuant to the Rules and the Protective Order, Plaintiffs are filing the categories of documents listed above under seal or in redacted form, but Plaintiffs are not seeking continued confidential treatment of these documents or portions of documents. Under the Protective Order, John Hancock has three days to

¹ Plaintiffs are filing the entirety of their Memorandum of Law in Opposition to Defendants' Motion *in Limine* No. 7 under seal because John Hancock filed the entirety of its Motion *in Limine* No. 7 under seal; however, Plaintiffs do not agree that John Hancock's request to seal the entirety of its Motion *in Limine* No. 7 was appropriate.



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file “a letter explaining the need to seal or redact the materials and whether [John Hancock] intends to make a motion for continued sealing” and 21 days to “file a motion with the Court seeking the continued sealing of the information, or certain parts of the information, originally sought to be filed under seal.” Protective Order, ¶¶ 10, 11.

Pursuant to the terms of the Protective Order, Plaintiffs respectfully request leave to file under seal or in redacted form the following: (1) certain exhibits to the LeQuang Declaration, which are listed on Exhibit 1 hereto; (2) references in Plaintiffs’ Oppositions to the documents listed on Exhibit 1 hereto; (3) references in Plaintiffs’ Oppositions to documents that were previously filed under seal in the above-captioned case, which are cited in Plaintiffs’ Oppositions by docket number and are listed on Exhibit 2 hereto; and (4) Plaintiffs’ Memorandum of Law in Opposition to Defendants’ Motion *in Limine* No. 7, in its entirety. This is the first such request, and it will not affect any pending deadlines in the case.

Dated: February 16, 2023

Orrick, Herrington & Sutcliffe LLP

By: /s/ Khai LeQuang

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Attorneys for Plaintiffs

Exhibit 1

LeQuang Declaration Exhibit No.	Beginning Bates Number / Document Description	File Under Seal / Redact
78	Excerpts from Expert Report of Timothy C. Pfeifer	Redact
79	Excerpts from Gulamhussein 30(b)(6) Dep. 11/9/2021	File Under Seal
80	Excerpts from Bhanji 30(b)(6) Dep. 11/16/2021	File Under Seal
81	JH_LEONARD_000307721	File Under Seal
87	Excerpts from Gittins Dep. 1/19/2021	File Under Seal
88	Excerpts from Murphy Dep. 1/27/2021	File Under Seal
89	Excerpts from Gittins Dep. 1/15/2021	File Under Seal
90	JH LEONARD 000354356	File Under Seal
91	JH37LAR_0267813	File Under Seal
94	JH_LEONARD_000400833	File Under Seal
95	Excerpts from O'Connor Dep. 3/17/2021	File Under Seal
96	Excerpts from Beltramini Dep. 11/26/2021	File Under Seal
97	JH_LEONARD_000361071	File Under Seal
99	JH_LEONARD_000126251	File Under Seal
100	JH_LEONARD_000360719	File Under Seal
101	JH_LEONARD_000360721	File Under Seal
102	JH_LEONARD_000361050	File Under Seal
103	JH_LEONARD_000400047	File Under Seal
104	JH_LEONARD_000404280	File Under Seal
105	JH_LEONARD_000145208	File Under Seal
107	JH_LEONARD_000139162	File Under Seal

LeQuang Declaration Exhibit No.	Beginning Bates Number / Document Description	File Under Seal / Redact
108	Excerpts from Pouliot Dep. 9/9/2021	File Under Seal
109	JH_LEONARD_000403230	File Under Seal
111	Excerpts from Stern Dep. 7/6/2022	Redact
112	Excerpts from Stern Dep. 7/7/2022	File Under Seal
114	JH_LEONARD_000182356	File Under Seal
115	JH_LEONARD_000157999	File Under Seal
116	Excerpts from Winterhof Dep. 11/5/2021	File Under Seal
117	MI_LEO 004520	File Under Seal
118	JH_LEONARD_000126689	File Under Seal
119	JH_LEONARD_000204118	File Under Seal
122	JH_LEONARD_000178952	File Under Seal
123	JH_LEONARD_000303731	File Under Seal
124	JH_LEONARD_000334465	File Under Seal
125	JH37LAR_0280279	File Under Seal
126	JH37LAR_0231453	File Under Seal
127	JH37LAR_0220699	File Under Seal
129	JH_LEONARD_000295398	File Under Seal
130	JH_LEONARD_000409891	File Under Seal
131	Excerpts from Irshad Dep. 10/23/2020	File Under Seal
132	Excerpts from Bhanji Dep. 11/18/2021	Redact

Exhibit 2

Docket No.	Exhibit No.	Filed Under Seal / Redacted
189	—	Redacted
191	—	Filed Under Seal
192	—	Filed Under Seal
257	Ex. H	Filed Under Seal
257	Ex. AA	Filed Under Seal
257	Ex. BB	Filed Under Seal
294	Ex. 1	Filed Under Seal
294	Ex. 2	Filed Under Seal
294	Ex. 3	Filed Under Seal
294	Ex. 4	Filed Under Seal
294	Ex. 5	Filed Under Seal
294	Ex. 6	Filed Under Seal
294	Ex. 7	Filed Under Seal
294	Ex. 8	Filed Under Seal
294	Ex. 9	Filed Under Seal
294	Ex. 10	Filed Under Seal
294	Ex. 11	Redacted
294	Ex. 12	Filed Under Seal
294	Ex. 13	Filed Under Seal
294	Ex. 15	Filed Under Seal
294	Ex. 16	Filed Under Seal
294	Ex. 17	Filed Under Seal
294	Ex. 18	Filed Under Seal
294	Ex. 19	Filed Under Seal
294	Ex. 20	Redacted
294	Ex. 21	Filed Under Seal

Docket No.	Exhibit No.	Filed Under Seal / Redacted
294	Ex. 22	Filed Under Seal
294	Ex. 24	Filed Under Seal
294	Ex. 27	Filed Under Seal
294	Ex. 29	Filed Under Seal
294	Ex. 30	Filed Under Seal
294	Ex. 37	Redacted
294	Ex. 55	Filed Under Seal
294	Ex. 56	Filed Under Seal
294	Ex. 58	Filed Under Seal
294	Ex. 59	Filed Under Seal